



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,450	06/03/2005	Eric Wilhelmus Moors	US 020638	1687
24737	7590	12/31/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			DAZENSKI, MARC A	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2621	
			MAIL DATE	DELIVERY MODE
			12/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,450	Applicant(s) MOORS ET AL.
	Examiner MARC DAZENSKI	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 December 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5-12 and 16-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5-12 and 16-25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 October 2008 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 December 2009 has been entered.

Response to Arguments

Applicant's arguments filed 1 December 2009 have been fully considered but they are not persuasive.

On pages 10-11 of the remarks, Applicant argues that "Ohno shows how each packet data is processed/demultiplexed and decoded," that "Ohno does not teach a (one) start data packet, and an (one) end data packet for the entire selected program," and therefore they "can find nothing that teaches receiving a data stream with one start data packet and one end data packet for the selected program." The examiner respectfully disagrees.

First, the examiner notes that, as written, the amended claims disclose identical subject matter as previously written because "one" data packet in this case also means "a" data packet (i.e., although "a" does not mean "one and only one," the word "one"

does in fact imply "a" data packet). Therefore, the examiner maintains that the claims are not substantially different than those previously presented and maintains his original rejection.

Second, by the very nature of a digital stream (e.g., a transport stream "TS") there must be one start data packet and one end data packet; if there were no start and end data packet then how would an apparatus record a selected program? For instance, imagine a TS comprised of 100 packets, numbered 1-100 (100 here being chosen completely arbitrarily for sake of example). Assuming the packets (which are further assumed to comprise a "selected program") are received in sequential order, then packet 1 would be the "start data packet" and packet 100 would be the "end data packet" even if they were not labeled as such. The examiner thus maintains that "one start data packet" and "one end data packet" are inherent to a digital stream comprising multiple packets (wherein one can still argue that a program of a single packet can still read on the claims, as nowhere in the claim as written does it say that the start and end data packet are different).

Third, it appears to the examiner that the Applicant is attempting to claim "one and only one start/end data packet." Even if this were the case, it would not circumvent the previously made rejection to the claim because (again, due to the nature of a TS) the packets of any selected program only begin to be received at one start point and only terminate being received at one end point. Using the numbering scheme of the above paragraph, for example, packet 1 would comprise the "one and only one start data packet" and packet 100 would comprise the "one and only one end data packet."

In view of the above explanation, the examiner maintains that the previously cited sections of Ohno and Gorbatov read on the limitations of the claims. A full rejection appears below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5-12, and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno (US Patent 7,142,777), hereinafter referred to as Ohno, in view of Gorbatov et al (US Patent 6,792,617), hereinafter referred to as Gorbatov.

Regarding **claim 1**, Ohno discloses a recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train. In addition, Ohno discloses an apparatus for receiving digital TV broadcasting signals and recording and reproducing them, which reads on the claimed, "an apparatus for recording a selected program," as disclosed at column 3, lines 21-22; the apparatus comprising:

an operation unit tuned to a program, which reads on the claimed, "a means for selecting the selected program," as disclosed at column 4, lines 51-52;

a tuner which receives a digital TV signal in accordance with an instruction supplied via a control line, which reads on the claimed, "a means for receiving a data

stream, one start data packet, and one end data packet for the selected program," as disclosed at column 4, lines 49-51; and,

a demultiplexer that divides only the TS packet data having the designated PID supplied from a system control unit via a control line, which reads on the claimed, "a means for detecting the start data packet for the selected program and the end data packet for the selected program," as disclosed at column 4, lines 59-61; and,

digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "wherein the data stream includes one or more programs and a private stream, each program being represented by content data packets in the data stream, the private stream including the start data packet and the end data packet for the selected program and a start data packet and an end data packet for each additional program," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D.

Ohno fails to disclose, however, the remaining limitations of the claim. The examiner maintains that it was well known to include these limitations, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for selective recording of television programs using event notifications. Further, Gorbatov discloses a set top box that causes the recorder to tune to the channel and start

recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "a means for recording the selected program, the recording being initiated in response to the detection of the start data packet for the selected program and terminated in response to the detection of the end data packet for the selected program," as disclosed at column 5, lines 17-27;

a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "and the start data packet precedes the associated content data packets in the data stream for each program and the end data packet follows the associated content data packets in the data stream for each program," as disclosed at column 5, lines 17-27 and 47-49; and,

ATVEF triggers representing event notifications may be communicated in data packets through the internet to a computer system (30) communicatively coupled to the set top box, the event notifications including "start" and "stop" commands, which reads on the claimed, "the end data packet of a preceding program and the start data packet for a following program are combined in a common data packet," as disclosed at column

5, lines 46-48 and column 8, lines 10-27 (wherein, the "action=start" command for "New Channel 8" and the "action=stop" command for "ABC Monday Night Football" are contained within the entire data packet disclosed in column 8, lines 10-27, and further wherein column 7, line 50 through column 8, line 5 discloses multiple event notifications and their corresponding "action=" commands may be contained within the same packet).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Ohno to specifically include the above-cited teachings of Gorbatov, for the purpose of facilitating automatic recording of a TV program based on occurrence of an event rather than broadcast time.

Regarding **claim 5**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 6**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 7**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 8**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). In addition, Ohno discloses PSI that includes PAT, PMT, and Packet Identification ("PID") by which the contents of data can be

identified, which reads on the claimed, "wherein the start data packet and the end data packet include information that identifies the selected program," as disclosed at column 3, lines 51-57.

Regarding **claim 9**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "wherein the data stream includes multiple programs, each program being associated with a sub-channel, the start data packet and the end data packet including information that identifies the selected program and the sub-channel associated with the selected program," as disclosed at column 3, lines 36-60, and exhibited in figures 2A and 3.

Regarding **claim 10**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 11**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 1). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs, which reads on the claimed, "wherein the data stream is a digital data stream and includes one or more

programs, each program in the data stream being represented by digital content data packets," as disclosed at column 3, lines 25-41, and an apparatus for receiving digital TV broadcasting signals and recording and reproducing them, which reads on the claimed, "and the means for recording the selected program including a digital recorder to record the digital content data packets," as disclosed at column 3, lines 21-22.

Regarding **claim 12**, Ohno discloses a recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train. In addition, Ohno discloses the operation of recording received TS packet data, which reads on the claimed, "a method for recording a selected programming with a video recorder," as disclosed at column 5, line 25; the method comprising:

receiving a digital TV signal in accordance with an instruction supplied via a control line to output TS data including the program tuned by an operation unit, which reads on the claimed "a.) receiving a data stream associated with the selected programming," as disclosed at column 4, lines 49-51;

Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "g) combining one or more programs and a private stream to produce the data stream, each program being represented by content data packets in the data stream, the

private stream including a start data packet and an end data packet for each program," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D.

Ohno fails to disclose, however, the remaining limitations of the claim. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for selective recording of television programs using event notifications. Further, Gorbatov discloses a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "b) receiving and detecting one start data packet for the selected programming; c) starting the recording with the video recorder in response to the detection of the start data packet; d) receiving and recording the selected programming; e) receiving and detecting one end data packet for the selected programming; and f) stopping the recording of the selected programming in response to the detecting of the end data packet," as disclosed at column 5, lines 17-26;

broadcast head-end (18) broadcasts the DTV signal to the set top box (12) over the broadcast network (14), which reads on the claimed, "providing the data stream to a consumer environment having the video recorder," as disclosed at column 3, lines 40-41;

a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "wherein the start data packet precedes the associated content data packets in the data stream for each program and the end data packet follows the associated content data packets in the data stream for each program," as disclosed at column 5, lines 17-27 and 47-49; and,

ATVEF triggers representing event notifications may be communicated in data packets through the internet to a computer system (30) communicatively coupled to the set top box, the event notifications including "start" and "stop" commands, which reads on the claimed, "each end data packet and the start data packet for a succeeding program are combined in a common data packet," as disclosed at column 5, lines 46-48 and column 8, lines 10-27 (wherein, the "action=start" command for "New Channel 8" and the "action=stop" command for "ABC Monday Night Football" are contained within the entire data packet disclosed in column 8, lines 10-27, and further wherein column 7, line 50 through column 8, line 5 discloses multiple event notifications and their corresponding "action=" commands may be contained within the same packet).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method of Ohno to specifically include the above cited teachings of Gorbatov, for the purpose of facilitating automatic recording of a TV program based on occurrence of

an event rather than broadcast time as well as for the purpose of delivering enhanced programming over a variety of transport mechanisms to compliant receivers.

Regarding **claim 16**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs, which reads on the claimed, "wherein the data stream is a digital data stream and includes one or more programs, including the selected programming, each program in the data stream being represented by digital content data packets," as disclosed at column 3, lines 25-41.

Regarding **claim 17**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "combining one or more programs to produce the data stream, each program being represented by content data packets in the data stream; combining one start data packet and one end data packet associated with each program to produce a private stream," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D. Ohno, however, fails to disclose the remaining limitations of the claim. The examiner maintains it was well known to include the missing limitations, as taught by Gorbatov.

Gorbatov discloses broadcast head-end (18) broadcasts the DTV signal to the set top box (12) over the broadcast network (14), which reads on the claimed, "providing the data stream and the private stream to a consumer environment having the video recorder," as disclosed at column 3, lines 40-41.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ohno to include the step of broadcast head-end broadcasts the DTV signal to the set top box over the broadcast network, as taught by Gorbatov, for the purpose of delivering enhanced programming over a variety of transport mechanisms to compliant receivers.

Regarding **claim 18**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 17). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 19**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 18). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 12 above.

Regarding **claim 20**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses PSI that includes PAT, PMT, and Packet Identification ("PID") by which the contents of data can be identified, which reads on the claimed, "wherein the start data packet and the end data packet include information that identifies the selected program," as disclosed at column 3, lines 51-57.

Regarding **claim 21**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 12). In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "wherein the data stream includes multiple programs, each program being associated with a sub-channel, the start data packet and the end data packet including information that identifies the selected program and the sub-channel associated with the selected program," as disclosed at column 3, lines 36-60, and exhibited in figures 2A and 3.

Regarding **claim 22**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 12). Further, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "wherein the data stream is associated with a first channel, the start data packet and the end data packet are associated with a private stream and a second channel, and the start data packet and end data packet include information that identifies the selected program and the channel associated with the selected program," as disclosed at column 3, lines 36-54, and exhibited in figures

2A-2D (wherein because the specification of the instant application states at page 7, lines 23-25: "the private stream could be a channel or sub-channel separate from the channels and/or sub-channels carrying the program content"; therefore, the start data packet and end data packet of any of the programs 1-3 is associated with a second channel and therefore also with a private stream).

Regarding **claim 23**, Ohno discloses a recording and reproducing apparatus and method generating recording location table for plurality of programs received in multiplexed data train. In addition, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs and Program Specific Information ("PSI") which includes Program Allocation Table ("PAT") and Program Mapping Table ("PMT") that are used to identify the contents of the data and program selection, which reads on the claimed, "a) combining one or more programs to produce a data stream, the one or more programs including the selected programming, each program being represented by content data packets in the data stream; b) combining one start data packet and one end data packet for each program to produce a private stream...wherein the data stream is associated with a first channel, the start data packet and the end data packet are associated with a private stream and a second channel, and the start data packet and end data packet include information that identifies the selected program and the channel associated with the entire selected program," as disclosed at column 3, lines 36-54, and exhibited in figures 2A-2D (wherein because the specification of the instant application states at page 7, lines 23-

25: "the private stream could be a channel or sub-channel separate from the channels and/or sub-channels carrying the program content"; therefore, the start data packet and end data packet of any of the programs 1-3 is associated with a second channel and therefore also with a private stream).

Ohno, however, fails to disclose the step of providing the data stream and the private stream to a consumer environment having the video recorder. However, the examiner maintains that it was well known in the art to include the missing limitations, as taught by Gorbatov.

In a similar field of endeavor, Gorbatov discloses a method and apparatus for selective recording of television programs using event notifications. In addition, Gorbatov discloses broadcast head-end (18) broadcasts the DTV signal to the set top box (12) over the broadcast network (14), which reads on the claimed, "c) providing the data stream and the private stream to a consumer environment having a video recorder," as disclosed at column 3, lines 40-41.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ohno to include the step of broadcast head-end broadcasts the DTV signal to the set top box over the broadcast network, as taught by Gorbatov, for the purpose of delivering enhanced programming over a variety of transport mechanisms to compliant receivers.

Regarding **claim 24**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 23). In addition, Ohno discloses receiving a digital TV signal in accordance with an instruction supplied via a control line to output TS data

including the program tuned by an operation unit, which reads on the claimed "receiving the data stream associated with the selected programming," as disclosed at column 4, lines 49-51. Ohno fails to disclose, however, the remaining limitations of the claim. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Gorbatov.

Gorbatov discloses a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received indicating the ending of the program segment, which reads on the claimed, "receiving and detecting the start data packet associated with the selected programming; starting the recording with the video recorder in response to the detection of the start data packet; receiving and recording the selected programming; receiving and detecting an end data packet associated with the selected programming; and stopping the recording of the selected programming in response to the detecting of the end data packet," as disclosed at column 5, lines 17-26.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ohno to include a set top box that causes the recorder to tune to the channel and start recording the program segment when an event notification is received indicating the starting of a program segment selected by a viewer on a channel, and then causing the recorder to stop recording the program segment broadcast on the channel when an even notification is received

indicating the ending of the program segment, as taught by Gorbatov, for the purpose of facilitating automatic recording of a TV program based on occurrence of an event rather than broadcast time.

Regarding **claim 25**, the combination of Ohno and Gorbatov discloses everything claimed as applied above (see claim 23). Further, Ohno discloses digital TV signals of video data, audio data, and other data that are transmitted and received in the form of a transport stream, the transport stream containing multiple programs, which reads on the claimed, “wherein the data stream is a digital data stream and includes one or more programs, including the selected programming, each program in the data stream being represented by digital content data packets,” as disclosed at column 3, lines 25-41.

Conclusion

This is a continuation of applicant's earlier Application No. 10/537450. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621